

REMARKS

The Examiner issued an Office Action on June 18, 2001, requiring the Applicant to elect a single disclosed species for prosecution on the merits. The Applicant filed a response on July 13, 2001, electing Claims 6- 14, 43 and 45 for prosecution on the merits. The Examiner issued a further communication on October 15, 2001, stating that the response filed on July 13, 2001 was not fully responsive, since the application only properly presents claims to non-elected species. The Examiner asserted that election of independent Claim 43 was nonresponsive, since "the retention means of the conveying template include a cavity in an element associated with the conveying template, the cavity 'having an interior dimension which is smallest in a region remote from the exterior surface' of the element 'to define a shoulder thereat'" is a species of the retention means different from the elected species. The Examiner suggested that the Applicant review the claim to determine whether the claims as written have support in the original specification and review the claims to determine which, if any, belong to the elected species.

The Applicant's representative sent a draft version of this response to the Examiner on November 16, 2001. The Examiner called the Applicant's representative on November 28, 2001 and stated that the draft response appeared to fully and correctly respond to the Restriction Requirement dated June 18, 2001. The Examiner therefore stated that upon the filing of a formal response to the Restriction Requirement, the Examiner could then continue the examination of the application. This paper essentially contains the same claim amendments and remarks as the draft response and should, therefore, be considered as being fully response to the Restriction Requirement.

The Applicant again elects Species B for prosecution on the merits. The Applicant asserts that Claims 5 - 14, 43 and 45, as amended, are readable on the subject matter depicted in Figures 19 - 22, which the Examiner has classified as Species B. As noted above, the Examiner asserted that Claim 43, the independent claim from which dependent Claims 5 - 14 and 45 depend, recited a non-elected species. Therefore, Claim 43 as been amended to clarify the subject matter being

claimed and to recite a retention means element that reads on Species B. Claims 5 - 8, 10, 12, and 14 have also been amended. These amendments and their support are further described below.

The Applicant further notes that Claim 43, while reading on Species B, should also be considered generic to the other species identified by the Examiner. Therefore, under 37 C.F.R. 141, if the Examiner should find Claim 43 to be allowable, the Applicant requests that all claims dependent on Claim 43 be allowed, even though they may recite different species. Specifically, the Applicant requests that Claims 5 - 14 and 45 be allowed as reading on elected Species B and that Claims 15 - 21 and 23 be allowed as being dependent on a generic claim, Claim 43.

The Applicant does not elect Claims 25 - 30 for prosecution on the merits, as these claims may be interpreted as reading on a non-elected species. The election of claims and the remarks regarding the election are being submitted without prejudice. Neither the election of claims nor the remarks regarding the election shall be interpreted as disputing the Examiner's finding that species identified by the Examiner are patentably distinct.

Claim Amendments

Claim 43 now recites, in part, "each receiving hole . . . having an interior dimension which is smallest in a region remote from said exterior surface to define a retention means." Referring to Figure 19, which is one of the figures of elected Species B, a thermoformed article 15 is depicted as being retained within a receiving template 17. The hole in which the thermoformed article is retained is tapered such that the opening of the hole at the exterior or upper surface of the template 17 is wider than the opening of the hole beneath the exterior surface. Therefore, Figure 19 depicts a receiving hole in which its interior dimension becomes smaller in the direction away from the exterior surface. Hence, Figure 19 does depict a receiving hole "having an interior dimension in a region remote from said exterior surface to define a retention means: as claimed in Claim 43. Therefore, Claim 43 reads on elected Species B. The Applicant asserts that Claim 43 is supported by the specification by Figure 19 and the associated text in the specification.

Claim 5 has been amended to recite, in part, “each extraction plate being fitted with extraction plate receiving holes.” This amendment is being made to differentiate the receiving holes in the extraction plates from the receiving holes in the receiving conveying templates as recited in Claim 43 from which Claim 5 depends. Since Claim 5 depends on Claim 43, Claim 5 also reads on Species B.

Claim 6 has been amended to recite, in part, “a template conveyer conveying at least one of said receiving conveying templates.” This amendment is being made to clarify the relation of the template conveyer to the receiving conveying templates as recited in Claim 43 from which Claim 6 depends. This amendment is supported in the specification at page 8, lines 15 - 23. Since Claim 6 depends on Claim 43, Claim 6 also reads on Species B.

Claim 7 has been amended to recite, in part, “said template conveyer conveys two alternate movable templates of the receiving conveying templates.” This amendment is being made to clarify the relation of the movable templates to the receiving conveying templates. This amendment is supported in the specification at page 8, lines 15 - 23. Since Claim 7 depends on Claim 6, Claim 7 also reads on Species B.

Claim 8 has been amended to recite, in part, “wherein said retention means comprises equatorial shoulders.” This amendment is being made to further define the subject matter pertaining to the retention means as claimed in Claim 43. Claim 43 recites, in part, “each receiving hole . . . having an interior dimension which is smallest in a region remote from said exterior surface to define a retention means.” Claim 8, which depends on Claim 43, further defines the retention means. Therefore, Claim 8 also reads on Species B, since Claim 8 depends on Claim 6.

Claim 10 has been amended to recite, in part, “wherein said retention means further comprises a truncated conical collar adjacent each receiving hole.” In the Office Action of June 18, 2001, the Examiner specifically identified the article retention means of Species B as a “conical collar adjacent the receiving hole.” Therefore, this amendment is supported by Figures 19 - 22 of the application. Claim 10 also, therefore, reads on Species B.

Claims 11 - 14 also read on Species B, due to their dependence on Claim 10. Claim 12 has been amended to delete "in a respective receiving seat" to clarify that the recited thermoformed article is in the receiving hole. Claim 14 has been amended to recite "a peripheral recess formed on the exterior surface of the template" to clarify the location of the peripheral recess.

Therefore, the Applicant elects Claims 5 - 14, 43 and 45 for prosecution on the merits. The election of claims and the remarks regarding the election are being submitted without prejudice. Neither the election of claims nor the remarks regarding the election shall be interpreted as disputing the Examiner's finding that species identified by the Examiner are patentably distinct.

It is submitted that the application is in condition for allowance with the claims from Species B, that is, Claims 5 - 14, 43 and 45 and the claims dependent on generic Claim 43, that is, Claims 15 - 21 and 23. Allowance of the application at an early date is solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

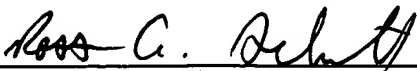
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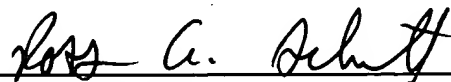


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Respectfully submitted,



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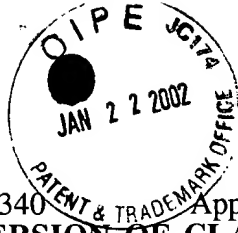
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**MARKED VERSION OF CLAIMS TO SHOW CHANGES MADE**

5. (Amended) A thermoforming apparatus as claimed in claim 43, further comprising:

a chain conveyor wound by a pair of chain wheels and having a run thereof extending along the respective die or counter-die but beyond the encumbrance thereof; and

wherein said extraction pick-up means comprises a plurality of extraction plates carried at predetermined intervals from each other on said conveyor, each extraction plate being fitted with extraction plate receiving holes with equatorial shoulders for retaining the thermoformed articles in proper orientation during their conveyance.

6. (Amended) A thermoforming apparatus as claimed in claim 43, further comprising a template conveyor conveying at least one of said receiving conveying templates, said template conveyor extending through at least one work and/or treatment station and moving stepwise at the opening-closure rate of the dies for receiving thermoformed articles from an extraction plate associated with said extraction pick-up means, said extraction plate withdrawing a thermoformed article from the female die and transferring it to said conveying template, said template conveyor conveying the thermoformed articles in sequence to said at least one work and/or treatment station along the template conveyor.

7. (Amended) A thermoforming apparatus as claimed in claim 6, wherein said template conveyor [comprises] conveys two alternate movable [conveying] templates of the receiving conveying templates, so that one of said movable [conveying] templates is moved laterally, in relation to the female die, at said at least one work and/or treatment station, while the other movable [conveying] template is in front of it to receive a thermoformed article from the extraction plate.

8. (Amended) A thermoforming apparatus as claimed in claim 6, wherein said template conveyor is a chain conveyor which comprises a pair of chain wheels around which a respective chain is wound, a plurality of said receiving conveying templates being carried, spaced at a predetermined distance from each other, on said chain conveyor and wherein said retention means comprises [each fitted with] equatorial shoulders retaining the thermoformed articles in proper orientation during their conveyance.

10. (Amended) A thermoforming apparatus as claimed in claim 43, [further including] wherein said retention means comprises a truncated conical collar [seated in] adjacent each receiving hole [for precise location of a respective thermoformed article on a surface of the conveying template].

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MARKED VERSION OF CLAIMS TO SHOW CHANGES MADE

12. (Amended) A thermoforming apparatus as claimed in claim 10, wherein said collar comprises a plurality of resiliently loaded ratchets, installed in said collar and movable towards its internal diameter for engaging with the external surface of a thermoformed article [in a respective receiving seat] in said receiving hole.

14. (Amended) A thermoforming apparatus as claimed in claim 10, wherein the thermoformed articles have rims and wherein said receiving conveying template has a peripheral recess formed on the exterior surface of the template about the receiving hole for engaging the rim of a thermoformed article received in the receiving hole.

43. (Amended) A thermoforming apparatus comprising:

a thermoforming machine fitted with at least one female die; and
extraction pick-up means adapted to withdraw a thermoformed article from the female die [and to transfer it to a receiving station], said extraction pick-up means including a receiving seat for each thermoformed article to be extracted,

wherein the thermoforming machine is fitted with at least one counter-die, the at least one female die and counter-die being reciprocally approachable and removable for the operations of closing, thermoforming and opening,

the apparatus further comprising a feeder for feeding thermoforming material between each female die and counter-die, and

[wherein the] at least one receiving station adapted to receive one or more thermoformed articles, wherein said receiving station [is a] comprises one or more receiving conveying [template] templates, each receiving conveying template having an exterior surface and one or more receiving holes disposed within said template and communicating with said exterior surface, [including retention surfaces] each receiving hole adapted to engage [each] a thermoformed article [, at least one surface of said retention surfaces being defined by at least a portion of a wall of a cavity in an element associated with the conveying template, the cavity communicating with at least one exterior surface of the element] and having an interior dimension which is smallest in a region remote from said exterior surface to define a [shoulder thereat] retention means for resiliently holding a thermoformed article disposed in the [cavity] hole.

45. (Amended) A thermoforming apparatus as claimed in claim 6, wherein said template conveyor comprises a carousel conveyor having at least three arms angularly spaced apart each supporting a respective receiving conveying template.